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July 24, 2020

Hon. Katherine Polk Failla
United States District Court
for the Southern District of New York
40 Foley Square
New York, NY 10007

**Re: *Uniformed Fire Officers Association, et al. v. Bill de Blasio, et al.*
No. 20-cv-05441 (KPF) (RWL)**

Dear Judge Failla:

We submit this letter in response to your Honor's Order of this evening. In that Order, your Honor notes that "all parties agree that all sides are in agreement that the materials at issue were disclosed by the CCRB to the NYCLU on July 14, 2020"

Please note that, in our view, that is not what the record shows. The record, including the Declaration of Mr. Dunn at Exhibit B, shows that the CCRB placed the documents on a City web site under the City's control on July 14, but that the documents were not obtained by NYCLA until July 15. *See* Dunn Declaration, (ECF #16-1). The July 14 email attached as Exhibit B to the Dunn Declaration states that it is not attaching the documents. As described in our letter motion of earlier today, the Corporation Counsel admits that the records were not obtained by NYCLU from the City's web site until July 15 (ECF # 36, at fn. 1).

NYCLU's did not obtain the documents until it accessed the website on July 15. The open records portal is a web site controlled by the City. <https://a860-openrecords.nyc.gov/>. Thus, the TRO was in effect before the NYCLU obtained the CCRB documents, and we also believe that discovery would further confirm that conclusion.

We deeply appreciate the Court's attention and time. If there is any lack of clarity about the facts, we believe further immediate discussion is important because of the significance of the issues and the fact that the release of the CCRB documents cannot be called back once it happens.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Tony Coles'.
Anthony P. Coles

cc: All counsel of record (*via* ECF)
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